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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,303	02/01/2002	Carlo Proserpio	3318.1000-000	2558

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[REDACTED] EXAMINER

GELLNER, JEFFREY L

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3643

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/062,303	PROSERPIO, CARLO
	<b>Examiner</b>	<b>Art Unit</b>
	Jeffrey L. Gellner	3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 March 2003.

2a)  This action is FINAL.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-12,21-36 and 49-57 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-12,21-36 and 49-57 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ . 6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-6, 9, 21-24, 28-30, 33, 49-52, and 54-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Cornell (WO 97/13631).

As to Claims 1, 50, and 52, Cornell discloses a plastic article (example shown in Fig. 9) comprising a first plastic portion (2 of Figs. 2a to 2c; page 14 lines 2 to end of page) having a series of protrusions (5 of Fig. 2a to 2c; 22 of Fig. 9) extending therefrom and adjacent to each other (see Figs. 2 to 2c); and, a second plastic portion (6 of Fig. 2c) molded, or extended, between and over (shown in Fig. 5) the protrusions of the first plastic portion, thereby forming a protuberance (several in region designated 18 in Fig. 9) on the plastic article having a desired profile.

As to Claim 2, Cornell further discloses the protrusions extending from the first plastic portion as contoured (shown in Fig. 9) so as to provide a general approximation of the desired profile (the protrusions 5 of Fig. 9 defined as providing a general approximation of the desired profile).

As to Claim 4, Cornell further discloses the article a container (Fig. 9), the first plastic portion being an inner container and the second plastic portion being a outer container (3 of Fig. 4) molded over the inner container (Figs. 2a-2c and 9).

As to Claim 5, Cornell further discloses the inner container including an inner pattern (22 of Fig. 9) formed thereon for supporting a corresponding outer pattern (23 of Fig. 9) on the outer container.

As to Claim 6, Cornell further discloses the protuberance forming an upper rim (shown in Fig. 9).

As to Claim 9, Cornell further discloses the protrusions as horizontal fins (see Fig. 9).

As to Claims 49 and 51, Cornell further discloses the protuberance unitary and thickened (Figs. 2c and 9).

As to Claims 21, 54, and 56, Cornell discloses a method of forming a plastic article (Fig. 9; page 13 bottom paragraph to page 15) comprising providing a first plastic portion (2 of Figs. 2a-2c) made by injection molding (last para. of page 13) having a series of protrusions (5 of Figs. 2a to 2c) extending therefrom and adjacent to each other (see Figs. 2a to 2c); and, molding, or extending, a second plastic portion (6 of Fig. 2c) between and over (shown in Fig. 2c) the protrusions of the first plastic portion, thereby forming a protuberance (several in region designated 18 in Fig. 9) on the plastic article having a desired profile.

As to Claim 22, Cornell further discloses a first mold configuration (Fig. 2b).

As to Claim 23, Cornell further discloses molding a the second plastic portion (6 of Fig. 2c and page 14 last para.).

As to Claim 24, Cornell further discloses a second mold configuration (Fig. 2c).

As to Claim 28, Cornell further discloses the article a container (Fig. 9), the first plastic portion being an inner container and the second plastic portion being a outer container (3 of Fig. 4) molded over the inner container (Figs. 2a-2c and 9).

As to Claim 29, Cornell further discloses the inner container including an inner pattern (22 of Fig. 9) formed thereon for supporting a corresponding outer pattern (23 of Fig. 9) on the outer container.

As to Claim 30, Cornell further discloses the protuberance forming an upper rim (shown in Fig. 9).

As to Claim 33, Cornell discloses the protrusions as horizontal fins (see Fig. 9).

As to Claims 55 and 57, Cornell further discloses the protuberance unitary and thickened (Figs. 2c and 9).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornell (WO 97/13631).

As to Claim 3, the limitations of Claim 2 are disclosed as described above. Not disclosed are the protrusions each having a height greater than their thickness. It would have been obvious

to one of ordinary skill in the art at the time of the invention to modify the plastic article of Cornell by having protrusions each having a height greater than their thickness so as to achieve a particular goal in welding, etc.

As to Claim 26, the limitations of Claim 23 are disclosed as described above. Not disclosed is the contouring of the protrusions providing a general approximation of the desired profile of the protuberance. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the plastic article of Cornell by contouring the protrusions so as to provide a general approximation of the desired profile of the protuberance so as to achieve a particular goal in welding, etc.

As to Claim 27, the limitations of Claim 26 are disclosed as described above. Not disclosed are the protrusions each having a height greater than their thickness. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the plastic article of Cornell by having protrusions each having a height greater than their thickness so as to achieve a particular goal in welding, etc.

Claims 7, 10, 11, 31, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornell (WO 97/13631) in view of David et al. (EP 0733462 A1).

As to Claim 7, the limitations of Claim 6 are disclosed as described above. Not disclosed is the article a flower pot. David et al. however discloses a plastic article as a flower pot (Figs. 1-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the article of Cornell to make it a flower pot so as to increase the use of the article.

As to Claim 31, the limitations of Claim 30 are disclosed as described above. Not disclosed is the article formed into a flower pot. David et al. however discloses a plastic article as a flower pot (Figs. 1-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Cornell to make it a flower pot so as to increase the use of the article.

As to Claim 10, the limitations of Claim 7 are disclosed as described above. Not disclosed is the protrusion with vertical fins. However, because vertical or horizontal fins were art-recognized equivalents at the time of the invention in those protrusions of injection molded articles where it is immaterial whether the fins are vertical or horizontal in shape, one of ordinary skill would have found it obvious to substitute vertical for horizontal fins in the article of Cornell as modified by David et al.

As to Claim 11, the limitations of Claim 7 are disclosed as described above. Not disclosed is the protrusion with zigzag fins. However, because vertical or horizontal fins were art-recognized equivalents at the time of the invention in those protrusions of injection molded articles where it is immaterial whether the fins are vertical or horizontal in shape, one of ordinary skill would have found it obvious to substitute zigzag for horizontal fins in the article of Cornell as modified by David et al.

As to Claim 34, the limitations of Claim 31 are disclosed as described above. Not disclosed is the protrusion with vertical fins. However, because vertical or horizontal fins were art-recognized equivalents at the time of the invention in those protrusions of injection molded articles where it is immaterial whether the fins are vertical or horizontal in shape, one of ordinary

skill would have found it obvious to substitute vertical for horizontal fins in the method of Cornell as modified by David et al.

As to Claim 35, the limitations of Claim 31 are disclosed as described above. Not disclosed is the protrusion with zigzag fins. However, because vertical or horizontal fins were art-recognized equivalents at the time of the invention in those protrusions of injection molded articles where it is immaterial whether the fins are vertical or horizontal in shape, one of ordinary skill would have found it obvious to substitute zigzag for horizontal fins in the method of Cornell as modified by David et al.

Claims 8 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornell (WO 97/13631) in view of David et al. (EP 0733462 A1) in further view of Watson (GB 2173984 A).

As to Claim 8, the limitations of Claim 7 are disclosed as described above. Not disclosed is the inner container portion having a fluted sidewall. Watson, however, discloses a plant pot with an inner portion having a fluted sidewall (4 of Fig. 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the article of Cornell as modified by David et al. by making the sidewall of the inner portion fluted as disclosed by Watson so as to improve the load bearing capacity of the wall (see Watson at page 1 lines 124-127).

As to Claim 32, the limitations of Claim 31 are disclosed as described above. Not disclosed is the inner container portion having a fluted sidewall. Watson, however, discloses a plant pot with an inner portion having a fluted sidewall (4 of Fig. 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the method of

Cornell as modified by David et al. by making the sidewall of the inner portion fluted as disclosed by Watson so as to improve the load bearing capacity of the wall (see Watson at page 1 lines 124-127).

Claims 12 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornell (WO 97/13631) in view of Hsia (US 5,765,922).

As to Claim 12, the limitations of Claim 1 are disclosed as described above. Not disclosed is the protuberance on a chair. Hsia, however, discloses the plastic portions making up a chair (Figs. 1 and 2; col. 3 lines 4-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the article of Cornell by making it a chair as disclosed by Hsia so as to reduce weight in the chair (see Hsia at col. 3 lines 4-6).

As to Claim 36, the limitations of Claim 23 are disclosed as described above. Not disclosed is the protuberance on a chair. Hsia, however, discloses the plastic portions making up a chair (Figs. 1 and 2; col. 3 lines 4-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Cornell by making the protuberances on a chair as disclosed by Hsia so as to reduce weight in the chair (see Hsia at col. 3 lines 4-6).

Claims 25 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornell (WO 97/13631) in view of Chapman Jr. et al. (US 5,089,200).

As to Claim 25, the limitations of Claim 24 are disclosed as described above. Not disclosed is the first plastic portion with mineral fillers for reducing cooling time. Chapman et al., however, discloses a plastic with mineral fillers (col. 2 lines 16-18). It would have been

obvious to one of ordinary skill in the art at the time of the invention to modify the method of Cornell by adding mineral fillers as disclosed by Chapman et al. so as to add pigment to the article to suit consumer tastes (Chapman et al. at col. 2 lines 16-18).

As to Claim 53, Cornell discloses a method of forming a plastic article (Fig. 9; page 13 bottom paragraph to page 15) comprising providing a first plastic portion (2 of Figs. 2a-2c) made by injection molding (last para. of page 13) in a first mold configuration (Figs. 2a and 2b) having a series of protrusions (5 of Figs. 2a to 2c) extending therefrom and adjacent to each other (see Figs. 2a to 2c); and, injection molding a second plastic portion (6 of Fig. 2c) between and over (shown in Fig. 2c) the protrusions of the first plastic portion, thereby forming a protuberance (several in region designated 18 in Fig. 9) on the plastic article having a desired profile. Not disclosed is providing the first plastic portion with mineral fillers for reducing cooling time. Chapman et al., however, discloses a plastic portion with mineral fillers (col. 2 lines 16-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Cornell by adding mineral fillers as disclosed by Chapman et al. so as to add pigment to the article to suit consumer tastes (Chapman et al. at col. 2 lines 16-18).

#### *Response to Arguments*

Applicant's arguments with respect to claims 1-12 and 21-36 have been considered but are moot in view of the new ground(s) of rejection.

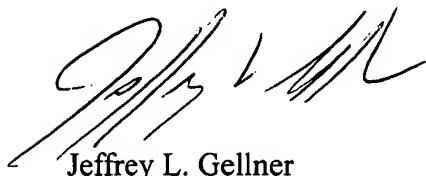
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2003/0051399 A1 discloses in the art a flower pot made by plastic molding. EP 1277556 A1 is Applicant's EPO application's publication.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey L. Gellner whose phone number is 703.305.0053. The Examiner can normally be reached Monday through Thursday from 8:30 am to 4:00 pm. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Peter Poon, can be reached at 703.308.2574. The fax phone numbers for the Technology Center where this application or proceeding is assigned are 703.305.7687, 703.305.3597, and 703.306.4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.



Jeffrey L. Gellner